THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition (M/S) No. 1275 of 2006.

Y.W.C.A. through Mr. Anis Ur-Rehman, Project Development Officer, YWCA of India Project "SPREADACRES" Dehradun.

... **Petitioner.**

Vs.

1. Civil Judge, Senior Division, F.T.C.II, Dehradun.
2. Smt. Munni W/O (not known) R/O Quarter No. 1 & 2 Servant Quarter , YWCA of India, New Cantt. Road, Dehradun.

…**Respondents.**

Sri B.P. Nautiyal & Sri H.M.Bhatia, learned counsel for the petitioner.
Sri R.C.Arya, Learned Standing Counsel for the respondent no.1.

Date September 12, 2006

P.C.: Hon'ble B.S.Verma, J.

Heard learned counsel and perused the record.

By means of this writ petition, the petitioner has prayed for issue of a direction to the respondent no.1 to decide S.C.C. Execution NO. 02 of 2004, YWCA Vs. Smt. Munni expeditiously, within a time bound period.

According to the petitioner, it filed S.C.C. Suit No. 30 of 1997 YWCA Vs. Smt. Munni for recovery of money and eviction, which was decreed on 21-5-2001. The petitioner filed the execution application for satisfaction of the decree which was registered as Execution Case No. 2 of 2004 on S.C.C. side. In that case, notice was issued to the respondent no.2 but the judgment debtor in order to prolong the disposal has been seeking adjournment on one pretext or the other with the result the decree passed in favour of the decree holder has not yet been successful.

In the facts and circumstances of the case, I find that it is a fit case in which direction may be issued to the respondent no.1 to decide the execution application pending since the year 2004.

Accordingly, the respondent no.1 Civil Judge (Senior Division) concerned is directed to decide the S.C.C. Execution case 2 of 2004, Y.W.C.A. Vs. Smt. Munni expeditiously, in accordance with law, preferably within a period of three months from the date of production of certified copy of this order.

With the aforesaid direction, the writ petition is disposed of finally.

(B.S.Verma,J.)

RCP